

15

37505.0278

REMARKS

Claims 1 to 9, 16 to 19, 27 to 32 and 38 to 66 are pending. Claims 56, 59 and 60 are allowed, and claims 61 to 66 are new.

1. Claims 1, 2, 4 to 8, 16, 17, 19, 27, 28, 30 to 32, 38 to 40, 43, 44, 46, 47, 49, 51, 53, 54, 57 and 58 are rejected under 35 USC 102(b) as being anticipated by Aoki et al. (JP 59-186263, abstract). However, independent claim 1 has been amended to include the subject matter of objected to claim 9. A similar amendment has been made to independent claims 43, 57 and 58. For that reason, dependent claims 2, 4 to 8, 44, 53 and 54 are patentable as hinging from allowable base claims. Independent claim 27 has been amended to include the subject matter of objected to claim 41 and independent claim 50 has been amended to include the subject matter of objected to claim 55. Accordingly, dependent claims 28, 31, 32, 42 and 51 are patentable as hinging from allowable base claims.

Claim 16 has been cancelled and claims 17 and 19 have been amended to depend from restricted and amended independent claim 10.

Reconsideration of this rejection is requested.

2. Claims 9, 41, 42 and 55 are objected to, but would be allowable if rewritten in independent form including all of the limitations of the base claims from which they depend. In that light, the subject matter of claim 9 has been incorporated into amended independent claim 1 and the subject matter of claims 41 and 55 have been amended into respective independent claim 27 and 50. As amended, independent claims 1, 27 and 50 are now in an

allowable form. Claim 42 is patentable as hinging from an allowable base claim.

3. Withdrawn independent claims 10 and 33 have been amended in a similar manner as previously discussed with respect to independent claims 1, 43, 57 and 58. These claims are believed to be properly part of the currently prosecuted claims because the examiner's basis for their restriction no longer exists. In particular, respective claim groups II (10 to 15) and VI (33 to 37) presently stand restricted. The group II claims encompass a cell comprising "a cathode active material contacted to a titanium current collector consisting essentially of titanium oxide" whereas the corresponding examined cell claims of group I (claims 1 to 9) did not. Likewise, the group VI claims encompass "a method for constructing an electrochemical cell by subjecting the titanium current collector to an electrolyte bath", but the corresponding examined method claims of group V (claims 27 to 32) did not. However, as presently amended, elected independent claims 1 and 27 contain similar enabling subject matter regarding the titanium current collector as corresponding restricted independent claims 10 and 33. Claims 17, 19, 30, 34, 35 and 37 to 40 are patentable as hinging from allowable base claims.

Reconsideration of the restriction requirement is requested.

4. Claims 61 to 66 are new and recite a thickness range for the titanium oxide provided on the casing outer layer on the interior of the cell. Support for these claims is found in the specification at page 12, lines 20 to 24. There, it states that the "titanium casing can be conditioned in a manner according to the present invention." On page 7, lines 4 to 19 conditioning protocols for a titanium current collector by either heating in

17

37505.0278

an oxidizing atmosphere or by treating in an electrolytic bath are discussed. The result is a titanium oxide layer on the exposed surface of the current collector and, by logical extension, on the interior of the cell casing.

It is believed that claims 1, 2, 4 to 8, 10, 17, 19, 27, 28, 30 to 35 and 37 to 40, 42 to 44, 47, 50, 51, 53, 54 and 56 to 66 are now in condition for allowance. Notice of Allowance is requested.

Respectfully submitted,



Michael F. Scalise
Reg. No. 34,920

Greatbatch, Inc.
9645 Wehrle Drive
Clarence, New York 14031
(716) 759-5810
February 26, 2007